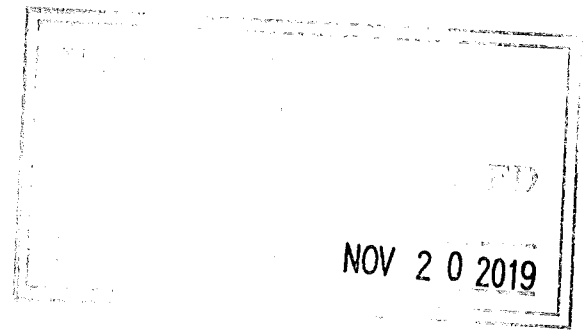


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Christian Charles,
Plaintiff,

—v—

Jerry Seinfeld, *et al.*,
Defendants.

18-CV-1196 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

After reviewing the parties' submissions, the Court denies Defendants' fees motion without prejudice. According to the 1993 Advisory Committee Notes to Federal Rule of Civil Procedure 54, "[i]f an appeal on the merits of the case is taken, the court may rule on the claim for fees, may defer its ruling on the motion, or may deny the motion without prejudice, directing under subdivision (d)(2)(B) a new period for filing after the appeal has been resolved." While the Court recognizes that piecemeal appeals are generally undesirable, the expedited briefing schedule set by the Second Circuit would not leave Charles' counsel enough time to brief the fees issue in the event that the Court granted Defendants' motion. And while Charles has only asked for briefing on the fees motion to be stayed, the Court believes that the content of a fees motion may be altered depending on the outcome and reasoning of the Second Circuit's opinion. If this Court is affirmed, then Defendants' renewed fees motion shall be due 14 days after the issuance of the Second Circuit's mandate.

This resolves Dkt. Nos. 109, 117.

SO ORDERED.

Dated: November 20, 2019

New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', is positioned above a horizontal line.

ALISON J. NATHAN
United States District Judge